



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/431,429

10/29/1999

PETER C. BAHRS

AUS990339US1

8684

35525

7590

11/17/2005

EXAMINER

PAULA, CESAR B

IBM CORP (YA)
C/O YEE & ASSOCIATES PC
P.O. BOX 802333
DALLAS, TX 75380

ART UNIT

PAPER NUMBER

2178

DATE MAILED: 11/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/431,429	BAHRS, PETER C.	
	Examiner	Art Unit	
	CESAR B. PAULA	2178	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 August 2005.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 270-292, 294 and 295 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 270-274, 276-286, 289-292, 294 and 295 is/are rejected.
7) ☒ Claim(s) 275, 287 and 288 is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 29 October 1999 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>12/03, 8/05</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to the response to restriction requirement, IDS and the IDS filed on 9/4, 12/29/2003, and 8/12/2005 respectively.

This action is made Non-final.

2. In the amendment, claims 265-269, and 293 have been canceled. Claims 270-292, and 294-295 are pending in the case. Claims 1, 7, 13, 16, 22, and 28-29 are independent claims.

Drawings

3. The drawings filed on 10/29/1999 have been accepted by the Examiner.

Information Disclosure Statement

4. The information disclosure statements (IDSs) submitted on 12/29/2003, and 8/12/2005 have been entered, and considered by the Examiner.

Claim Rejections - 35 USC § 101

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

6. Claim 295 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claim 295 comprise a computer program product in a computer-readable medium, which is not being executed by the computer.

Claim Rejections - 35 USC § 112

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 270-274, 284-286, 289, and 294 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

9. Claim 270 recites the limitation "the first view controller" in lines 11-12. There is insufficient antecedent basis for this limitation in the claim. There are many view controllers, and no "first view controller" to refer to in this claim. It is unclear which view controller is being referred.

10. Claim 271 recites the limitation "the screen" in line 1. There is insufficient antecedent basis for this limitation in claim 270. There is a previous set of screens disclosed in claim 270. It is unclear which of those screens is being referred.

11. Claim 272 recites the limitation "the selecting step" in line 1. There is insufficient antecedent basis for this limitation in claim 270. There are previous selecting steps by the user, and the application mediator in claim 270. It is unclear which of those selecting steps is being referred.

12. Claim 274 recites the limitation "the major code... the minor code" in lines 1-2. There is insufficient antecedent basis for this limitation in claim 270. There are no "major code", and "minor code" in claim 270 to refer to.

13. Claim 284 recites the limitation "the major code... the minor code" in lines 1-2. There is insufficient antecedent basis for this limitation in claim 278. There are no "major code", and "minor code" in claim 278 to refer to.

14. Claim 285 recites the limitation "the first view controller" in line 11. There is insufficient antecedent basis for this limitation in the claim. There are many view controllers, and no "first view controller" to refer to in this claim. It is unclear which view controller is being referred.

15. Claim 286 recites the limitation "the screen" in line 1. There is insufficient antecedent basis for this limitation in claim 285. There is a previous set of screens disclosed in claim 285. It is unclear which of those screens is being referred.

16. Claim 289 recites the limitation "the major code... the minor code" in line 2. There is insufficient antecedent basis for this limitation in claim 285. There are no "major code", and "minor code" in claim 285 to refer to.

Art Unit: 2178

17. Claim 294 recites the limitation "the first view controller" in line 18. There is insufficient antecedent basis for this limitation in the claim. There are many view controllers, and no "first view controller" to refer to in this claim. It is unclear which view controller is being referred.

Allowable Subject Matter

18. Claims 275, and 287-288 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

I. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Wold (Pat. # 5,724,589 A), Koppolu et al. (Pat. # 5,754,175 A), Baradel et al. (Pat. # 5,764,230 A), Cataudella et al. (Pat. # 6,275,228 B1), Cataudella et al. (Pat. # 6,275,232 B1), Poff et al. (Pat. # 6,330,659 B1), Bates et al. (Pat. # 6,590,594 B2), and Cirne et al. (Pat. # 6,633,313 B1).

II. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cesar B. Paula whose telephone number is (571) 272-4128. The examiner can normally be reached on Monday through Friday from 8:00 a.m. to 4:00 p.m. (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong, can be reached on (571) 272-4124. However, in such a case, please allow at least one business day.

Information regarding the status of an application may be obtained from the Patent Application Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, go to <http://portal.uspto.gov/external/portal/pair>. Should you have any questions about access to the Private PAIR system, please contact the Electronic Business Center (EBC) at 866 217-9197 (toll-free).

Any response to this Action should be mailed to:
Commissioner for Patents
P.O. Box 1450

Application/Control Number: 09/431,429


Page 7

Art Unit: 2178

Alexandria, VA 22313-1450

Or faxed to:

- (571)-273-8300 (for **all** Formal communications intended for entry)


CÉSAR PAULA
PRIMARY EXAMINER
11/14/05